IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2376 of 2005

Between:

1. Ande Muttaiah, S/o. Venkataiah,
   R/o. Bandarugudem, Manuguru Mandal, Khammam District.
2. Ande Venkateswar Rao, S/o. Muttaiah,
   R/o. Bandarugudem, Manuguru Mandal, Khammam District.

.... PETITIONERS

AND

1. The Mandal Revenue Officer,

Manuguru Mandal, Khammam District.
2. The Revenue Divisional Officer, Paloncha,

Khammam District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned order passed by the 1st respondent i.e. Mandal Revenue Officer, Manuguru Mandal, Khammam District, in Rc.No. B/3819/2004 dt.6-1-2005 to evict the petitioners from Sy.No. 138 of Bandarugudem Village, Manuguru Mandal, Khammam District to an extent of Ac. 2-20 guntas contrary to the Judgement passed by the 2nd respondent in CMA No. 28/1987 (Old) No. 8/1985 dt. 19-9-1999 which has become final, is illegal and void and opposed Articles 14, 19, 21 and 300-A of the Constitution of India.

Counsel for the Petitioner: MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Against the impugned order dated 06.01.2005 passed under Section 6 of the A.P. Land Encroachment Act, 1995, an efficacious alternative remedy is available under the Act by way of appeal. Without exhausting alternative remedy, the petitioner cannot invoke the extraordinary jurisdiction of this Court under
Article 226 of the Constitution of India.

Accordingly, granting leave and liberty to the petitioner to prefer an appeal, the Writ Petition is disposed of.

It is made clear that if an appeal is preferred within a period of two weeks from today against the impugned order, dated 06.01.2005, the appellate authority shall consider the same and appropriate orders be passed in accordance with law.

Having regard to the facts and circumstances of the case, there shall be a further direction that status quo obtaining as on today as to the nature and possession of the land in question, be maintained for a period of four weeks from today.

Accordingly, Writ Petition is disposed of with the above direction. No costs.

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14-02-2005

Note: Wire at party's cost

B/o

Kvrm

To

1. The Mandal Revenue Officer,

Manuguru Mandal, Khammam District.
2. The Revenue Divisional Officer, Paloncha,

Khammam District.

3. 2 CCs to GP for Revenue, High Court of A.P., Hyderabad (OUT)

4. 2 CD copies.